

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELENA GLOTZER,

Plaintiff,

-V-

BOARDWALK REGENCY LLC,

Defendant.

20 Civ. 2654 (JPC) (SLC)

ORDER

JOHN P. CRONAN, United States District Judge:

This action is before the Court under diversity jurisdiction pursuant to 28 U.S.C. § 1332. Dkt. 19 at 2. Diversity jurisdiction requires that “all of the adverse parties in a suit . . . be completely diverse with regard to citizenship.” *E.R. Squibb & Sons, Inc. v. Accident & Cas. Ins. Co.*, 160 F.3d 925, 930 (2d Cir. 1998). For purposes of diversity jurisdiction, “a limited liability company . . . takes the citizenship of each of its members.” *Bayerische Landesbank, N.Y. Branch v. Aladdin Capital Mgmt. LLC*, 692 F.3d 42, 49 (2d Cir. 2012). Accordingly, “[a] complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of a limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company.” *New Millennium Capital Partners, III, LLC v. Juniper Grp. Inc.*, No. 10 Civ. 46 (PKC), 2010 1257325, at *1 (S.D.N.Y. Mar. 26, 2010) (citing *Handelsman v. Bedford Vill. Assocs. Ltd. P’ship*, 213 F.3d 48, 51-52 (2d Cir. 2000)).

Here, the Amended Complaint alleges that Plaintiff “was and still is a resident of the County, City and State of New York.” Dkt. 31 ¶ 1. With respect to Defendant Boardwalk Regency LLC, the Amended Complaint alleges that Defendant: (1) “was and still is a domestic corporation formed under the laws of the State of New York,” *id.* ¶ 3; (2) “was and still is a foreign corporation

authorized to do business in the State of New York,” *id.* ¶ 4; and (3) “was and still is a foreign corporation authorized to do business in the State of New Jersey, *id.* ¶ 5. The Amended Complaint, however, does not allege the citizenship of each of Defendant’s members.

It is hereby ordered that the parties shall appear for a conference by telephone on January 31, 2022 at 11:30 a.m. At the conference, the parties shall be prepared to discuss the following:

- The citizenship of each of Defendant’s members and whether the Court has subject matter jurisdiction over this action;
- Whether venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391, and if not, whether transfer of this action to another district may be appropriate; and
- The applicable state law that should govern the parties’ dispute in this action.

At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261.

SO ORDERED.

Dated: January 26, 2022
New York, New York



JOHN P. CRONAN
United States District Judge